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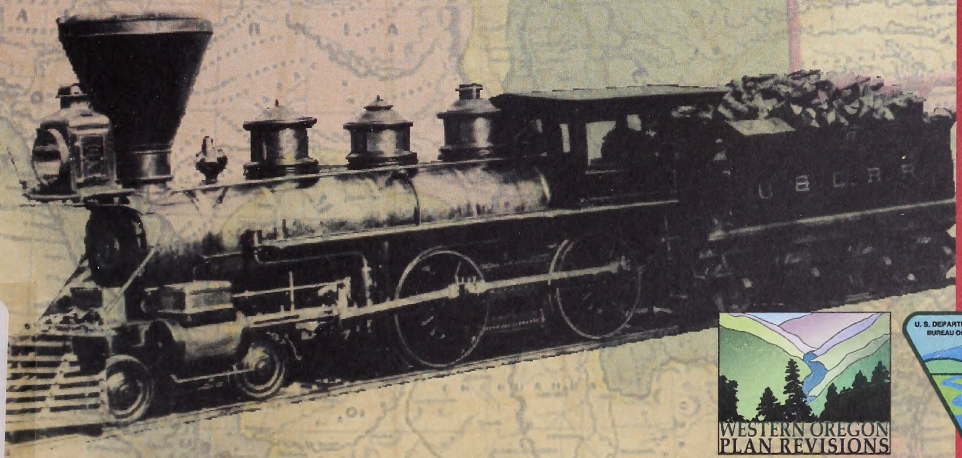
SCOPING REPORT

February 2006



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WESTERN OREGON PLAN REVISIONS

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

BLM

Salem, Eugene, Roseburg, Coos Bay, Medford, and Klamath Falls Offices

February 2006

As the Nation's principal conservation agency, the Department of the Interior has responsibility for most of our nationally owned public lands and natural resources. This includes fostering the wisest use of our land and water resources, protecting our fish and wildlife, preserving the environmental and cultural values of our national parks and historical places, and providing for the enjoyment of life through outdoor recreation. The department assesses our energy and mineral resources and works to assure that their development is in the best interest of all our people. The Department also has a major responsibility for American Indian reservation communities and for people who live in Island Territories under U.S. administration.

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Western Oregon Plan Revisions Scoping Report

February 2006

A summary of public comments submitted to the BLM during the formal scoping period, September 7, 2005 – October 23, 2005

U.S. Bureau of Land Management
Western Oregon Plan Revisions
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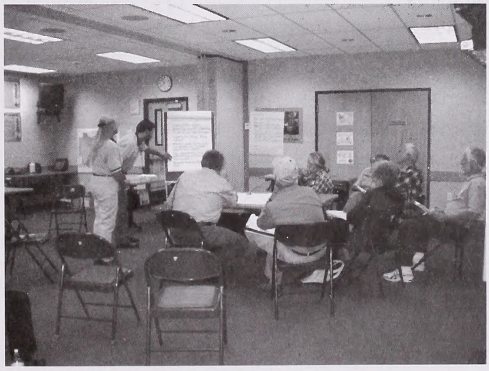
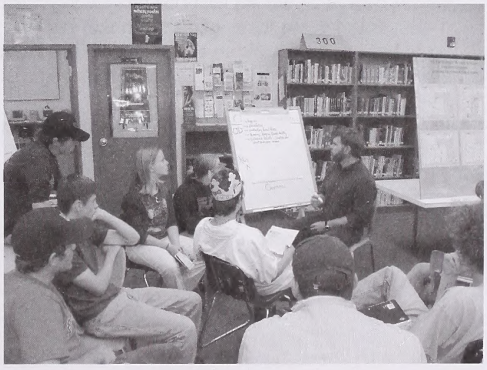
Website: http://www.blm.gov/or/plans/wopr





NOTICE:

The BLM will host several public workshops in western Oregon to discuss the range of alternatives considered in the revisions. These meetings are open to the public. All meetings will start at 7:00 p.m. and last about an hour and a half.

- *Monday, March 6, BLM Office, Eugene, 2890 Chad Drive*
- *Tuesday, March 7, BLM Office, North Bend, 1300 Airport Lane*
- *Wednesday, March 8, BLM Office, Roseburg, 777 NW Garden Valley Blvd.*
- *Thursday, March 9, Interagency Office, Grants Pass, 2164 N.E. Spalding Ave.*
- *Monday, March 13, BLM Office, Salem, 1717 Fabry Rd. SE*
- *Tuesday, March 14, BLM Office, Klamath Falls, 2795 Anderson Ave., Building #25*

For more information about these meetings, contact the BLM's Western Oregon Plan Revision office at 503-808-6629 or e-mail: orwopr@or.blm.gov.

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Oregon State Office
P.O. Box 2965
Portland, Oregon 97208

IN REPLY REFER TO:

1610/1614 (OR-930.1)

January 30, 2006

To: All interested in the future of Bureau of Land Management-administered lands in western Oregon

From: State Director, Oregon/Washington

We asked for your comments, concerns, and issues about the future management of BLM-administered public lands in western Oregon, and you responded.

In September and October, we sent printed information out through postal mail and email. We met with many of you one-on-one; we held public meetings; we spoke to many community groups and organizations; we conducted several economic workshops across the region; we held frank discussions with our agency partners; and we listened to what you had to say.

In this report we have summarized what we heard. We forwarded many of the letters we received to our planners, our foresters, our biologists and other specialists so they could read first-hand your concerns and suggestions for future management. We have used the information and ideas submitted to validate issues to be addressed in the revisions, and help draft preliminary alternatives and the methods to analyze the environmental effects of those alternatives.

We used some of your comments to prepare the Proposed Planning Criteria and State Director Guidance, which is a companion to this scoping report. That document is posted for public review on the Internet at <www.blm.gov/or/plans/wopr> and is also available through the Western Oregon Plan Revisions office at the address, phone, and email given on the cover page of this scoping report.

We have an ambitious schedule ahead of us and much work to do as we revise our resource management plans in western Oregon. With your help we can generate some effective and innovative strategies that will guide our management of western Oregon forests to not only produce products and services for the American people, but also protect the important Northwest forests and wildlife habitats that make this a great place to live. By continuing to work together, we can develop policies and practices that best protect public resources and also contribute to the social and economic needs of us who use and enjoy these lands.

Thank you for your time and commitment to western Oregon's public lands.

Sincerely,

Elaine M. Brong

Elaine M. Brong
State Director

Introduction & Background

Resource Management Plans (RMPs) are being revised for the Salem, Eugene, Coos Bay, Roseburg and Medford Districts and the Klamath Falls Resource Area of the Lakeview District. The current RMPs were completed in 1995. The RMPs incorporated the land use allocations and Standards and Guidelines from the Northwest Forest Plan. They also included decisions about such management activities as land tenure, off-highway vehicle use, and designated Areas of Critical Environmental Concern. The RMPs provide guidance for activities on BLM-administered lands.

Why the Resource Management Plans are being revised

Lawsuit: After the current RMPs were signed, the Secretary of the Interior was sued by the American Forest Resource Council (AFRC) and others alleging that signing the Record of Decision for the Northwest Forest Plan violated the O&C Lands Act of 1937 (O&C Act) and numerous other laws. The O&C Act dedicated lands revested from the O&C Railroad Company for permanent timber production under the principles of sustained yield and specified that one-half of the revenue be returned to the western Oregon counties. AFRC *et al.* alleges that the O&C Act was violated when the Northwest Forest Plan established reserves where no timber harvest was planned on O&C lands. In August of 2003, the Secretary and AFRC *et al.* agreed to settle this lawsuit. The Settlement Agreement requires the BLM, contingent on funding, to consider in each proposed revision at least one alternative that will not create any reserves on O&C lands except as required to avoid jeopardy under the Endangered Species Act.

Plan Evaluation: The BLM is required to periodically evaluate existing RMPs to determine if the plan decisions are still valid. The BLM completed the 8th year evaluations of the current Resource Management Plans in 2005. In general, the evaluations show that BLM is meeting most objectives, with the exception of a commitment to offer the full timber sale quantity as declared in the Resource Management Plans. The evaluations concluded that the decisions in the current RMPs are still valid and that BLM can continue to implement them. However, the failure to meet the anticipated timber harvest goals because of administrative and legal challenges is a clear indication that improvements in the RMPs are necessary. It was also noted that there is some new information, analysis, policies, and practices that should be incorporated when the RMPs are revised.

Description of the Planning Area

The planning area generally covers BLM-administered lands in the portion of the State of Oregon that lies west of the Cascade Mountains crest and within the Klamath Falls Resource Area east of the crest. BLM-administered lands cover 2.5 million acres in a scattered, checkerboard pattern, intermingled with mostly private timberland. Approximately 85 percent of the land is administered under the O&C Lands Act of 1937, and the remainder is managed under the Federal Land Policy and Management Act of 1976.

Cooperating Agencies

Formal cooperating agencies include 16 western Oregon counties, USDA Forest Service, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the State of Oregon.

Tribal Relationships

The seven recognized tribes within the planning area were contacted before or during the formal scoping period. The Coquille Tribe has been directly engaged because, by law, their tribal land management must be consistent with the surrounding federal land management.

Formal Scoping

Scoping is a term used in the National Environmental Policy Act for determining what issues an environmental impact statement should address.

Summary of the Scoping Process

The formal scoping period started with printing of the Notice of Intent in the Federal Register on September 7, 2005 and concluded on October 21, 2005. The first edition of a planning newsletter "Scoping for Issues" was mailed in early September to approximately 11,000 postal addresses. This mailing list was composed of the six BLM District's planning lists and the Survey and Manage Environmental Impact Statement mailing list. Approximately 75 meetings were conducted with interested parties in western Oregon. These meetings included one-on-one meetings with key stakeholders, presentations to organized groups and agencies, tours, and advertised public meetings. Several newspaper articles reported on the scoping process and advertised public meetings.

The BLM asked the Public Policy Research Institute (PPRI) at the University of Montana to conduct an independent assessment of the interests and concerns of stakeholders, and to solicit ideas on how to involve the public throughout the planning process. The PPRI is conducting this assessment with the assistance of RESOLVE and the Consensus Building Institute (CBI), two nationally recognized public involvement organizations. Their report and recommendations will be considered in designing future public involvement activities.

Summary of Issues

Almost 3,000 public comments were received during the scoping period. Comments included e-mail messages, written correspondence, face-to-face discussions and meeting notes.

The comments expressed by the public covered a wide variety of attitudes and ideas about past and future management of BLM-administered lands in western Oregon. The preponderance of comments centered around the following issues:

- "Preserve old-growth stands and focus harvest on small-diameter trees" were the most common comments made. Most of these comments supported the Northwest Forest Plan concepts, but indicated a preference for maintaining reserves and all existing old-growth stands.
- Many comments recognized the need for community economic stability and acknowledged the positive impacts of some sustained level of timber harvest in the long term. Many asked BLM to consider the wider spectrum of resource values and diverse sources of direct and indirect revenue that can be generated from O&C lands (such as recreation, tourism, scenic values, quality-of-life, education, and timber.)
- There was general acceptance that BLM must maintain habitat for species given special status under the Endangered Species Act. Many comments asked BLM to consider alternatives that strive for "species recovery" over merely "avoiding jeopardy."

- Many comments urged BLM to maintain the reserve system as it now exists. Some suggested maintaining the reserves, but managing them differently, perhaps even strengthening protection through other designations.
- A significant number of comments stated the historical importance of the O&C lands and timber harvest to community health and stability. Many urged the BLM to find ways to maintain or increase the harvest to support timber-dependant industries and communities.
- Maintaining and improving water quality was frequently mentioned by respondents.
- Some comments, particularly from people in the southern portions of the planning area, expressed the need for management to control the increasing wildfire hazard.

Issues Identified

An issue is defined as a matter of controversy or dispute about resource management activities or land use that is well-defined or topically discrete and entails alternatives between which to choose. All four preliminary issues identified by the BLM at the onset of the scoping process were substantiated in the scoping comments. The four issues were:

- ***Vegetation*** - How should BLM provide a sustainable supply of wood and other forest products as mandated by the O&C Act while meeting applicable laws and regulations?
- ***Habitat for Special Status Species*** - How can BLM-administered lands contribute to conservation of species consistent with the Endangered Species Act?
- ***Watershed Management and Water Quality*** – How can BLM-administered lands contribute to meeting the goals of the Clean Water Act and the Safe Drinking Water Act?
- ***Wildland Fire and Fuels*** - How should BLM manage public lands to reduce the risk of wildfires and integrate fire back into the ecosystem?

Comments received during the scoping period included suggestions that BLM address additional topics, as follows:

- ***Off-highway vehicle management, particularly in the Medford District.*** Many of the comments address current off-highway vehicle use and a need for proactive management. The revised Resource Management Plans must designate which lands are open, closed or have limits on use of off-highway vehicles.
- ***Impacts across the landscape*** – Concern was expressed about effects of any proposed changes in BLM management on Northwest Forest Plan reserves, Forest Service management, and private or state lands having habitat conservation plans that rely on neighboring BLM reserves. This concern will be addressed in the impact section of the environmental impact statement associated with the RMP revisions.
- ***Forest health (disease, insects, fuel build-up etc.)*** – These issues will be addressed as associated with the vegetation and wildland fire and fuels issues.

Issues to be addressed in the RMP revisions are discussed in the *Proposed Planning Criteria and State Director Guidance*, which is a companion document to this scoping report. If you would like a copy of the *Proposed Planning Criteria and State Director Guidance*, please contact the Western Oregon Plan Revisions office by phone, mail, or email, as shown on the cover page of this scoping report.

Alternatives Suggested

Most scoping comments support retaining the reserves identified in the Northwest Forest Plan consistent with the existing RMPs, and some suggest enlarging the reserves or strengthening their protection. However, many comments supporting the Northwest

Forest Plan also suggested no more cutting of old-growth forest stands. Some scoping comments support the alternative required by the Settlement Agreement (minimize reserves except those necessary to avoid jeopardy under the Endangered Species Act), but many favor an alternative that provides for recovery of endangered species rather than just "avoiding jeopardy."

Several alternatives were provided in the comments received:

- A Community Conservation Alternative (as described by the Oregon Natural Resources Council) suggests managing within the historic range of viability. It also suggested protecting mature and old-growth stands, harvesting small diameter trees, focusing on restoration, maintaining protections of the Northwest Forest Plan, and reducing fuels.
- An alternative for two phases of management was proposed. The focus for the early years would be on recovery and restoration of habitat for threatened species. After species recover and are de-listed, the plan could then focus on appropriate harvest levels.
- A Natural Selection Alternative was proposed by the Deer Creek Valley Natural Resources Conservation Association and others from Josephine County. This alternative lists "14 Criteria for Sustainability" that include emphasizing ecosystem health and community health over timber production, removing only "weaker trees" to be replaced by "stronger dominants", separating timber harvesting contracts from timber purchasers, and emphasizing contracts that can be performed by local, small contractors.

Other alternative ideas mentioned are: Long-term rotation (150-200 years); no logging on public lands and; transfer of all forested lands to the USDA Forest Service.

Some comments included suggestions that could be incorporated into one or more of the alternatives:

- Maintain connectivity corridors.
- Increase buffers for threatened and endangered species.
- Set standards for canopy closure and harvest diameter limitations.
- Protect habitat for species to avoid future ESA listing.
- Strive for recovery of listed species, not just avoiding jeopardy.
- Plan for management activities following major wildfire events.

BLM managers and staff forwarded all of these suggestions, along with ideas from cooperators, to the Interdisciplinary Planning Team. They used this information, along with implementation experience gained over the last ten years, to develop a range of alternatives presented in the *Proposed Planning Criteria and State Director Guidance* document.

Criteria for Selecting a Preferred Alternative

Only a few comments focused on criteria for selecting a preferred alternative. However, the Scoping Comment Analysis Team agreed that criteria were inferred in many of the comments. Following are the six preliminary planning criteria listed in the Notice of Intent published in the Federal Register along with the Scoping Comment Analysis Team's analysis of comments relating to each criterion.

- *Quality of habitats created.*

Many comments support this criterion, especially for endangered species.

- *Impacts on water quality limited streams.*

Water quality is often mentioned as an important criterion, but few comments focus on "water quality limited streams."

- *Amount of timber produced.*

Many scoping comments said a *sustained flow* of timber is important. Fewer comments mention a given *amount* of timber is important.

- *Cost of implementation, both in effort and dollars.*

This was seldom mentioned in the scoping comments.

- *Contributions to community economic stability.*

This criterion was often mentioned, although many different methods are given for attaining and measuring community economic stability. Western Oregon counties that commented expressed concern about the economic impact on their budgets and services.

These criteria will be carried forward by the planning team and incorporated into more detailed criteria for selecting a preferred alternative. *(See "Planning Criteria and State Director Guidance.)*

Other Substantive Comments

- Comments demonstrated a difference of opinion about interpretation of the O&C Act and whether or not the Northwest Forest Plan and the existing BLM RMPs comply with the O&C Act.
- The revised RMPs should consider existing cooperative relationships with partners, watershed councils, advisory groups, communities, and neighboring landowners. The BLM should address how existing agreements with these various groups will be honored.
- Concerns were expressed about the RMP revision process, including preparation of one environmental impact statement for the six Resource Management Plans and how BLM was complying with National Environmental Policy Act requirements.
- Suggestions were made to maintain Adaptive Management Areas and fully implement their intent for innovation and testing.
- A need was expressed to maintain existing Areas of Critical Environmental Concern and to designate new areas (including some areas without roads). Some comments contain supporting documentation for specific areas of high conservation concern.

Other comments made in the scoping comments suggest that the analysis should consider the following:

- Cumulative effects (including actions on private and state lands)
- Soils
- Weeds
- Grazing
- Necessary funding/personnel to implement the RMPs monitoring
- Climate change, as it affects habitat and fuels
- Vegetative management (use of chemical herbicides and fire retardant)
- Special management areas
- Warm water fish species
- New data on species populations
- A focus on recreation and management/maintenance of roads

Responses to Questions Asked and Clarification of Selected Comments

Several comments received during the scoping process asked specific questions about the planning process or resource issues. Some statements were made that seemed to be based on only partial information. The following questions, answers, or statements are added to this report for clarification purposes.

Numerous questions were raised about BLM's interpretation of the O&C Lands Act of 1937. Several public comments suggested differing interpretation of the O&C Act.

In 1937, Congress passed the Oregon and California Revested Lands Sustained Yield Management Act (the O&C Act), Public Law 75-405, putting the revested O&C lands and the Coos Bay Wagon Road lands under the jurisdiction of the U.S. Department of the Interior. The O&C Act embraced the new principles of sustained-yield requiring that harvested areas be reforested and a sustained annual harvest be declared. One goal of the O&C Act was to provide a future source and sustained flow of timber that would contribute to local economic stability.

As the statutory act for management of these lands, the O&C Act requires that the O&C lands and Coos Bay Wagon Road lands "classified as timberlands ... shall be managed ... for permanent forest production, and the timber thereon shall be sold, cut, and removed in conformity with the principal [sic] of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." (43 U.S.C. §1181a)

Based on interpreting the language of the O&C Act, its legislative history, and the court cases cited below, it is the BLM's position that management of timber (including cut and removal) is the dominant use of the O&C and Coos Bay Wagon Road lands in western Oregon. That dominant use must be implemented in full compliance with not only the O&C Act, but also a number of subsequent laws that direct how BLM accomplishes that goal.

National policies, such as the Special Status Species Policy BLM Manual 6840, will apply to the extent they are consistent with the O&C Act. The prescription, timing, and methods of timber harvest can be adjusted, but lands cannot be removed from the harvest land base solely to protect species not provided protection by another law.

Areas of Critical Environmental Concern will be managed to protect their relevant and important features to the extent this does not conflict with the O&C Act. Lands cannot be removed from the harvest land base solely to protect relevant and important features. Timber management in this designation is an allowable use, but the cutting intensity, frequency, prescription, and method may be adjusted to protect relevant and important features. Such adjustment may result in lower timber outputs.

The O&C lands cannot be designated a Wilderness Study Area under the current laws and regulations. The prescribed 15-year time period to identify areas with Wilderness characteristics, provided for in the Federal Land Policy and Management Act of 1976, is expired.

Visual resource management must be consistent with the O&C Act, unless the O&C Act is superseded by another act (such as a Wild and Scenic River designation) that did not specifically exempt O&C lands. Timber management in this designation is an allowable

use, but the cutting intensity, frequency, prescription, and method may be adjusted to protect visual features. Such adjustment may result in lower timber outputs.

The management of developed recreation facilities on O&C lands is consistent with, and in fact is specifically mentioned, in the O&C Act. Management of recreation sites (other than facilities) and areas such as Special Recreation Management Areas (SRMAs) must be consistent with the O&C Act. These lands cannot be removed from the timber base solely to maintain recreation values. Timber management in this designation is an allowable use, but the cutting intensity, frequency, prescription, and method may be adjusted to maintain the recreation experience and visitor safety in these areas. Such adjustment may result in lower timber outputs.

Court Cases Pertaining to the O&C Act

There are three federal court cases, two in the Ninth Circuit Court and one in the Western Washington District Court that provide interpretation of the O&C Act. A summary of those cases follows:

Headwaters v. BLM 1990 - In an opinion by the Ninth Circuit Court of Appeals in September 1990, 914F.2d 1174, the court ruled that the O&C Act was a dominant use act and that such interpretation was consistent with the Act.

"... the provisions of 43 USC 1181a make it clear that the primary use of the [O&C Act] lands is for timber production to be managed in conformity with the provision of sustained yield."

"There is no indication that Congress intended "forest" to mean anything beyond an aggregation of timber resources."

"It is entirely consistent with these goals to conclude that the O&C Act envisions timber production as a dominant use and that Congress intended to use "forest production" and "timber production" synonymously. Nowhere does the legislative history suggest that wildlife habitat conservation or conservation of old growth forest is a goal on a par with timber production, or indeed that it is a goal of the O&C Act at all. The BLM did not err in construing the O&C Act as establishing timber production as the dominant use."

Portland Audubon Society v. Lujan 1993

"We find that the plain language of the Act (O&C Act) supports the district court's conclusion that the Act has not deprived the BLM of all discretion with regard to either the volume requirements of the Act or management of the lands entrusted to its care."

"... there does not appear to be a clear and unavoidable conflict between statutory directives [O&C Act and NEPA], we cannot allow the Secretary to utilize an excessively narrow construction of its existing statutory authority to avoid compliance (with NEPA)."

The Federal Court System

The federal court system is made of three levels: district courts, circuit courts and the Supreme Court. The United States district courts are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases. District court decisions set precedents for decisions within the district. Decisions of the district courts are typically appealed to the district's circuit court.

A circuit court hears appeals from district courts within its circuit. Oregon is in the Ninth Circuit. Circuit court opinions are binding on lower courts in the circuit. Circuit court decisions can be appealed to the Supreme Court.

Cases typically go to the Supreme Court as appeals to decisions of lower federal and state courts. Each year the Supreme Court hears a limited number of these cases. Decisions of the Supreme Court are binding on all federal circuit and district courts.

Seattle Audubon Society v. Lyons 1994 (Judge Dwyer) – This is not a Ninth Circuit Court decision and only controls decisions in the Western District of Washington. Outside the Western District of Washington, this decision is only effective where it is persuasive.

> Referring to Portland Audubon Society v. Lujan 1993, *"The court further held that O&CLA does not allow the BLM to avoid its conservation duties under NEPA or ESA ..."*
>
> *"An agency's construction of the laws it administers is accorded considerable weight. The management decision made here [Northwest Forest Plan] in regard to the O&CLA lands was a lawful exercise of the Secretary's discretion. If this ruling were to be reversed on appeal, the ROD would have to be reconsidered because of the loss of important LSOG and riparian reserves."*

How will the Resource Management Plan revisions address old growth? What's BLM's definition of old growth?

There are many definitions for the term "old growth." For this planning effort, BLM will define old growth as:

> Older forests occurring on western hemlock, mixed conifer, or mixed evergreen sites that differ significantly from younger forest in structure, ecological function, and species composition. Old-growth characteristics begin to appear in unmanaged forests at 175-250 years of age. These characteristics include:
> - A patchy, multi-layered canopy with trees of several age classes.
> - Presence of large living trees.
> - Presence of large dead trees (snags) and down woody debris.
> - Presence of species and functional processes that are representative of the potential natural community.
>
> For purposes of inventory, old-growth forest stands on BLM-administered lands are only identified if they are at least 10 percent stocked with trees of 200 years or older and are 10 acres or more in size. For purposes of habitat or biological diversity, the BLM uses the minimum and average definitions provided by the Pacific Northwest Research Station publications 447 and GTR – 258. This definition is summarized from the 1986 interim definitions of the Old Growth Definitions Task Group.

It is clearly evident from the scoping comments that future management of old growth is an issue to address in the RMP revisions. Therefore, all alternatives will address management of old growth, some as a feature of the alternative and some through a "sensitivity analysis." In other words, some alternatives will contain sub-alternatives to analyze effects (under that specific alternative) of not harvesting older forest stands for timber.

Can management of BLM-administered forestlands be turned over to the USDA Forest Service?

The BLM does not have authority to transfer management of its forestlands to the USDA Forest Service. That would take a Congressional action.

Can BLM-administered land be consolidated through exchange?

It is possible to exchange public and private lands. However, the Oregon Public Lands Transfer and Protection Act, Public Law 105- 321, dated October 23, 1998, established "No-Net-Loss" requirements for lands administered by the BLM in western Oregon. The Act applies only to discretionary agency actions involving sale, purchase, or exchange of land. The O&C Act requires monitoring of changes in land and harvestable timber

acres and balancing every ten years. There has been a decline of sales and exchanges involving Oregon and California Railroad and Coos Bay Wagon Road (CBWR) lands since enactment of this law.

BLM's experience in recent years has been that land exchanges often become very controversial and consume inordinate amounts of time and funds to complete. Large-scale land exchanges would be very difficult unless they are addressed at a congressional level.

What will be the effect on the Northwest Forest Plan, Forest Service land management plans, and private or state habitat conservation plans if BLM changes the reserves system? Why isn't the Forest Service part of this planning process?

One main reason for preparation of the Northwest Forest Plan and habitat conservation plans on adjoining private or state lands was to protect habitat for endangered species listed under the Endangered Species Act. The revised RMPs must be in compliance with that Act meeting the same standards for habitat conservation used in development of the Northwest Forest Plan. Finding a different way to meet these same goals is not expected to significantly affect management of neighboring lands.

The USDA Forest Service and the State of Oregon are formal cooperators in the planning process (as are several other federal agencies and affected counties). Meetings with cooperators are routinely held to review and get input on alternative development and impact assessment. Any changes in BLM management that could affect adjoining lands will be analyzed in the environmental impact statement before a decision is made.

Since this plan revision effort is the result of a court settlement agreement with the American Forests Resource Council, hasn't the final the decision already been made?

The Settlement Agreement represents BLM's willingness to work with interested parties to see if there is a better way to manage BLM-administered public lands in western Oregon, one that is more successful in meeting the intent of the O&C Act while still fully complying with other federal laws and regulations that guide BLM activities.

The portion of the Settlement Agreement that requires a revision of existing RMPs does not specify a particular outcome. It only specifies that one of the alternatives analyzed must address minimizing reserves except those necessary to avoid jeopardy under the Endangered Species Act. A range of alternatives will be analyzed and a decision will be based on that analysis.

Will BLM have the funding and personnel necessary to carry out the revised RMPs?

The BLM will make every effort to assure that the revised RMPs are attainable. Any changes in expected funding would increase or decrease the rate at which the RMPs are implemented, not alter the basic elements of the RMPs.

Will there be future opportunities for public comment in the plan revisions process?

The BLM is evaluating its public involvement strategy, considering the results of an independent study "Engaging People in the BLM Western Oregon Plan Revision" prepared by the Public Policy Research Institute of the University of Montana, with the assistance of RESOLVE and the Consensus Building Institute. Their recommendations will be considered in revising our public involvement strategy that will be available in February 2006.

Why can't BLM maintain a useful website? A website is a critical need, part of adequate public involvement.

The BLM recognizes the value of a website for this type of activity with the public. Because of U.S. Department of the Interior security issues resulting from a lawsuit and a national goal to improve accessibility of all government websites, the BLM is in the midst of an Internet "overhaul" with new procedures and new requirements being developed and tested. The BLM websites were completely off-line a few months ago, and states are coming back online one-by-one as security issues are resolved. The Oregon/Washington BLM website was back online by January 2006 on a limited basis. The Western Oregon Plan Revision is one of the highest priorities in the state and one of the first programs available. (See <http://www.blm.gov/or/plans/wopr>.)

How will the revised RMPs resolve litigation issues?

It is unlikely that the revised plans will resolve all litigation issues. However, BLM is committed to conducting a thorough analysis and facilitating open discussions with individuals and organizations so that our decision meets the various laws, is ecologically sound, and is legally defensible.

Why is the BLM developing one environmental impact statement rather than six?

The BLM carefully considered whether to combine the analysis into one environmental impact statement (EIS), or to keep each district separate with individual EISs. There are pros and cons to either approach. The commonality of issues and the cumulative effects of issues were important reasons to keep the analysis together. The cost-savings associated with preparing one EIS rather than six separate EISs was also a factor. Another consideration was the potential imposition of asking our constituents that have regional concerns to be actively involved simultaneously in six separate planning processes. Important district-specific issues will be addressed in the joint EIS, or in some cases through other processes.

How much timber needs to be offered to generate enough revenue for Oregon counties?

Historically, the revenue generated for the counties from the sale of timber from O&C lands fluctuated widely, due to price fluctuations in the timber market.

The current funding provided to O&C counties from the Secure Rural Schools and Community Self-Determination Act of 2000 (PL 106-393) set payments equal to the average of the three highest year's payments from the sale of O&C timber. The counties are concerned about funding basic services if these payments are not renewed by Congress after the legislation expires in 2006.

In a fluctuating timber market, it is impossible to know how much timber BLM would need to sell to equal current county payments. For example, in FY 2005 BLM harvested 141.1 million board feet of timber. The value of that timber was $24.6 million. Under this historical formula, the counties would have received about half of that. However, under the Secure Rural Schools and Communities Self-Determination Act, the O&C counties received almost $116 million in FY 2005.

What will management direction be for BLM-administered public domain lands?

Of the 2,557,700 acres of BLM-managed lands in the planning area, approximately 394,600 acres are public domain lands. About half of those public domain acres are widely scattered and intermingled with O&C lands. Although FLPMA requires that

public domain lands be managed for a multitude of values, it does not require that every parcel be managed for every value. Given their small size and scattered nature, these public domain parcels will be managed primarily for sustained yield of timber resources along with the surrounding O&C lands consistent with the goals and objectives of the land use plan. There will not be a separate set of objectives and management actions for these scattered public domain lands.

Several large, contiguous tracts in the Klamath Falls Resource Area, the Coos Bay District, and the Salem District account for over half of the public domain acres in the planning area. These areas will be managed for a variety of values, which may include sustained yield of timber resources. Some objectives and management actions for these areas may differ from those of O&C lands, particularly in the non-forested lands east of the Cascade Mountains.

What is considered to be a "local community?"

During the 1930s when the O&C Act was passed, it was generally assumed that logs harvested for timber in Oregon would be moved downhill to the nearest mill or port to be processed or shipped. Local communities most likely meant the logical destination for raw logs to be processed. Improvements in transportation, fewer and larger mills, and changed technologies and business practices have altered that concept. Today, logs are routinely hauled uphill and sometimes great distances to be processed. Communities situated geographically close to public lands may not see direct benefits from the harvest of public forests the way they once did.

In addition, it could also be implied that local communities includes all communities in the O&C counties since a portion of the funds associated with the timber harvest from the O&C lands is dispersed to these counties for economic support.

The *Proposed Planning Criteria and State Director Guidance* has a section on social and economic analysis, including a list of analytical methods and techniques for defining communities within the planning area.

How will BLM address use of chemicals (herbicide and fire retardant)?

The BLM is developing a programmatic environmental impact statement that contains national guidance for using herbicides and other treatments to manage vegetation on BLM-administered public lands in 17 western states (see <http:www.blm.gov/nhp/spotlight/VegEIS>). The draft EIS was recently published and made available for public comment. The BLM's western Oregon plan revisions will be consistent with this effort.

A national study is also underway to review the effects of using chemical fire retardant in fire suppression activities. The western Oregon plan revisions will also be consistent with the results of this effort.

How does the Northwest Forest Plan address management of old-growth forests in the matrix, and does the term "reserves" actually mean "preserves" ?

Under the Northwest Forest Plan and the current Resource Management Plans, about 85 percent of the existing old-growth forest stands are in some type of "reserve" system. This means that about 15 percent of the existing forest stands are within the "matrix" land designation and subject to timber harvest and intensive forest management. The Northwest Forest Plan and the current RMPs do not equate "reserves" with "preserves." It was intended that some timber harvest would be necessary in "reserves" to help forest stands meet their intended objectives for attaining old-growth characteristics or habitat requirements.

How is habitat managed for endangered species?

The management of wildlife in the State of Oregon is the responsibility of the Oregon Department of Fish and Wildlife. The federal U.S. Fish and Wildlife Service and the National Marine Fisheries Service have responsibilities under the Endangered Species Act. As a federal land management agency, BLM has the responsibility to manage for the conservation of species listed under the Endangered Species Act and must consult on actions to ensure that it is not likely to jeopardize the continued existence of listed species. BLM also participates with the Services on the preparation of recovery plans for listed species to connect the RMP revisions with recovery of listed species.

Specific guidance is generally provided for management activities occurring in areas having habitat for species listed under the Endangered Species Act. For example, management activities may be excluded from occurring in a specific area at certain critical times in the life cycle, such as breeding season, of an endangered species. Management activities could also be constrained by buffer areas required to provide protection for habitat of endangered species.

What is "the purpose and need" for the RMP revisions?

The "purpose and need" is a term used in the National Environmental Policy Act, requiring agencies to state the underlying objective or reason for proposing an action. The BLM is proposing the Western Oregon Resource Plan Revisions to respond to the need to achieve the O&C Act's requirement of permanent forest production, as interpreted by the ninth Circuit Court of Appeals, on the O&C lands while complying with other applicable laws such as the Endangered Species Act, Clean Water Act, FLPMA, etc.

The purposes of the plan revisions are to:

- Create quality habitats, especially for endangered species.
- Improve conditions in water quality limited streams.
- Produce a sustainable amount of timber.
- Contribute to community economic resiliency.
- Minimize the cost of implementation, both in effort and dollars.
- Provide economic return to the U.S. Treasury and western Oregon counties.

Definition and Explanation of Terms

The following definitions and explanations are offered to help clarify some questions asked during the scoping process.

- **Areas of Critical Environmental Concern (ACEC) and the nomination process** – ACECs are lands where special management attention is needed to protect and prevent irreparable damage to important historic, cultural, or scenic values; fish and wildlife resources; or other natural systems or processes; or to protect life and provide safety from natural hazards. The designation of "Areas of Critical Environmental Concern" comes from the Federal Land Policy and Management Act. It is an administrative designation that can be designated or undesignated by the BLM during the development or revision of an RMP. To adequately address potential designation of new ACECs, the BLM asked for nominations from staff and the public by October 21, 2005.

- **Allowable Sale Quantity** – The gross amount of timber volume, including salvage, that may be sold annually from a specified area over a stated period of time in accordance with a district Resource Management Plan.

- **Best Management Practices** - Methods, measures, or practices that guide, or may be applied to, management actions to aid in achieving desired outcomes. Usually, Best Management Practices (BMPs) are applied as a system of practices rather than a single practice.

- **Community Economic Stability** –The capacity for orderly change within a community (incorporated town or county) to absorb and cope with economic changes without major hardship to institutions or groups within the community.

- **Cumulative Effects** - Impacts on the environment that result from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes other such actions. Cumulative impacts can result from individually minor, but collectively significant, actions taking place over a period of time.

- **Historic range of variability** - The range of critical ecological processes and conditions that have characterized particular ecosystems over specified time periods and under varying degrees of human influences.

- **Invasive/non-native species** – Plants that are either not part of the original plant community (non-native), or are a minor component of the original plant community (native) and have the potential to become a dominant or co-dominant species on the site if their future establishment and growth is not actively controlled.

- **New Science** –Numerous studies and scientific papers prepared since completion of the Northwest Forest Plan are being reviewed by a science team. This new information may be important as alternatives are developed and analyzed.

- **Partnerships** – Agreements and relationships with other government agencies, organizations, private foundations, and others are becoming increasingly important to efficiently accomplishing BLM's mission. In most cases, these partnerships are defined by written agreements between two or more parties who agree to cooperate to accomplish a mutually beneficial project or to follow mutual management direction consistent with the BLM mission.

- **Permanent forest production** – This term is mentioned specifically in the O&C Act of 1937 " . . . shall be managed for *permanent forest production* and the timber thereon shall be sold, cut and removed in conformity with the principal [sic] of sustained yield . . ."

- **Reasonable Range of Alternatives** – According to the Council on Environmental Quality (CEQ), which provides guidance to implementing NEPA, "reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." CEQ also states that "what constitutes a reasonable range of alternatives depends on the nature of the proposal and the facts in each case." Further, in this planning effort, a reasonable alternative is one that meets the purpose and need, is consistent with existing federal laws, is feasible and practicable, is not exorbitant, and is not a variation of an alternative analyzed in detail.

- **Roadless Areas** – This is an official term that refers to designated areas without roads on National Forests managed by the USDA Forest Service. The BLM does not use this term as an official designation.

- **Sustained Yield –** According to FLPMA, sustained yield means "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use." In regards to timber, the term "annual sustained yield capacity" is used in the O&C Act of 1937. It is the yield that a forest can produce continuously at a given intensity of management, in other words a non-declining, even flow.

- **Sustainable Support for Local Communities** – Economic factors or resource products that will be available for the long term and are an important component of the economic or social health of the community.

- **Wild and Scenic Rivers** - A river or section of a river that is free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted, which has been designated as such, as part of the National Wild and Scenic Rivers System.

- **Wilderness Study Areas** – An area that has been inventoried and found to be wilderness in character, having few human developments, and providing outstanding opportunities for solitude and primitive recreation, as described in Section 603 of the Federal Land Policy and Management Act and Section 2(c) of the Wilderness Act of 1964. Generally, the temporary land use classification prescribes that the current wilderness qualities cannot be further degraded while in this status.

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